

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 18706 of 2005

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DATED:25-08-2005

The Property Association of Baptist Churches Private Limited,
rep., by its Executive Director, G.D.D.Diwakar
R/o Secunderabad,
Hyderabad.

..... PETITIONER

AND

The Municipal Corporation of Hyderabad,
rep., by its Commissioner,
M.C.H., Buildings, Tank Bund, Hyderabad.

.....RESPONDENT

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ORDER:

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This Writ Petition is filed under Article 226 of the Constitution of India seeking a Mandamus directing the respondents to consider the application of the petitioner, dated 25-11-2003, for sanction of a building permit at premises bearing No.9-01-169, S.D.Road, Secunderabad.

2. It is the case of the petitioner that the petitioner company is the owner of the properties including the building bearing No.9-1-169, admeasuring 1620 sq.yards in Sy.No.51 situated at S.D.Road, Secunderabad. The petitioner made an application on 25-11-2003 to the respondent for sanction of a building plan in the said premises. As directed by the respondent the petitioner made an application to the Revenue Authority for obtaining a 'no objection certificate'. The property for which 'no objection certificate' was sought is in T.S.No.-1, Block A Ward No.115, Bolakpura and is classified as "G" land and the Revenue Divisional Officer, Secunderabad was directed to demolish the existing structure and take possession of the property. Against the said order, the petitioner filed W.P.No.3977 of 2003 and the same was disposed of by a learned Judge of this

Court on 24-10-2003. The petitioner, along with its application for sanction of the building permit, deposited a sum of Rs.3,20,420/- (rupees three lakhs twenty thousand four hundred and twenty only) being the permit fees and further deposited a sum of Rs.1,50,000/-(rupees one lakh fifty thousand only) an account of sewerage improvement charge with the Hyderabad Metro Water Supply and Sewerage Board. Despite the specific directions of this Court in W.P.No.3977 of 2002, the respondent has not sanctioned the building permit. Aggrieved thereby, the petitioner approached this Court by way of filing the present Writ Petition.

3. Heard the learned counsel for the petitioner.

4. None appears for the respondent.

5. I have perused the entire material on record.

6. When the matter came up for admission on 24-08-2005, time was granted to the learned standing Counsel for the respondent to get instructions as to the stage of the representation filed by the petitioner. When the matter is listed today, none appears on behalf of the respondent. Under those circumstances, as the application of the petitioner is pending consideration since 2003, I deem it appropriate to dispose of the Writ Petition directing the respondent to consider the application of the petitioner, dated

25-11-2003, if it is filed in accordance with the byelaws 4.2 (i) and (ii) of the Building Bye-Laws, 1981 and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition is disposed of. No order as to costs.

(ELIPE DHARMA RAO,J)

25th August, 2005.

Note:

Issue C.C. by Monday

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